\* DEPUTY ZONING COMMISSIONER (2311 Shaded Brook Drive) \* OF BALTIMORE COUNTY 3rd Election District

4th Councilmanic District \* Case No. 94-191-A Michael J. Biller, et ux

Petitioners \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property. Michael J. and Pamela M. Biller. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 42 feet in lieu of the reguired 50 feet for a proposed addition, in accordance with Petitioner's

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2311 Shaded Brook Drive which is presently zoned RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) SECTION I ACH . 3.0.3 To allow

a 42 At. sutback in liau of the required minimum of so At.

practical difficulty) We are applying for this variance to build an addition for my mother, 80 yrs. old, to live with us. This is the best location for this proposed addition because it is level and the accessibility for my mother to get in and out of the house without walking any steps. This is a very

important factor. Another issue, is due to the Location of the septic tank in the backyard. We must be a minimum of 10' from it,

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

So this puts part of the building in the 55'set back area. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to

be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It is to be noted that the floor plan submitted does not reflect the dimensions of the proposed addition. Prior to the issuance of any permits, a revised floor plan shall be submitted to this Office which clearly shows the size of the proposed addition and the dimensions of the rooms therein.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of December, 1993 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side vard setback of 42 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order: however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> 2) Prior to the issuance of any building permits, a revised floor plan shall be submitted which clearly shows the room sizes and the dimensions of the proposed addition.

> 3) The proposed addition shall be occupied only by Mrs. Biller's mother. The addition shall not be occupied by any other individuals, including other family members. In the event Mrs. Biller's mother no longer resides in the proposed addition, then all kitchen facilities provided therein shall be removed from the premises and the dwelling shall be reconverted back to

a single family dwelling. Said kitchen facilities shall only be permitted to exist for so long as Mrs. Biller's mother resides therein.

4) In the event Mrs. Biller's mother moves away from the property and the Petitioners find it necessary to provide housing for another family member, a Petition for Special Hearing must be filed to determine the appropriateness of same.

5) In the event the Petitioners desire to sell the subject property, it shall be listed and sold as a single family dwelling and shall in no way be represented as a two-apartment dwelling.

6) Within sixty (60) days of the date of this Order and prior to the issuance of any occupancy permits, the Petitioners shall cause a copy of this Order to be recorded in the Land Records of Baltimore County so that any potential purchaser of the subject property will be on notice that this property can only be conveyed as a single family dwelling.

7) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> Suntay Kotrow Deputy Zoning Commissioner for Baltimore County

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Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penaltics of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 2311 Shaded Brook Prive

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative We are applying for this variance to build an addition for my mother,

80 yrs. old, to live with us. This is the best location for this proposed addition herause it is level and the accessibility for my mother to get in and out of the house without welking any steps. This is a very important factor. Another issue, is due to the location of the septic tank in the backyard. We must be a minimum of 10' from it, so this puts port of the building in the 50' set back area. An Admin variance is requested my

The offer Side of the house is been on a Slope.

That Affiant(s) Teknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

the Afflants(s) herein, personally known or satisfactorily identified to me as such Afflants(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

Election District Councilmanic District 3 (north, south, east or west) (number of feet of right-of way width) wide at a distance of (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street HIDDEN TRAIL DR. \_\_\_\_\_, Section #\_\_\_\_\_ in the subdivision of as recorded in Baltimore County Plat

**EXAMPLE 3 - Zoning Description** 

print on 8-1/2" x 11" sheet.

Three copies are required. Copies of deeds cannot be used in place of this

description. Use this fill-in format provided whenever possible; otherwise, type or

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_, Folio \_\_\_\_ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" K. 321.1 ft., 8.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887 43W.

Mr. & Mrs. Michael J. Biller 2311 Shaded Brook Drive Owings Mills, Maryland 2111/

RE: PETITION FOR ADMINISTRATIVE VARIANCE S/S Shaded Brook Drive, 450' W of the c/i of Hidden Trans Drive (2311 Shaded Brook Drive) 3rd Election District - 4th Councilmanic District Michael J. Biller, et ux - Petitioners Case No. 94-191-A

Secondary R. Syre

Dear Mr. & Mrs. Biller:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391

> Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Communsioner for Baltimore County

TMK:bjs cc: People's Counsel

CENTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 911- 191- A

Posted for: Variance	Date of Posting 1/19/93
Petitioner Michael Themse	Biller
Location of property: 7311 Stand	Sixed Nrive, 5/3, 115' For
Location of Signs: Lacrange 220 Strong	preparty bary tond
Remarks:	
Posted by Smaters	Data of return: 11/26/93

BILLER - 2311 Shadad Brook Dr.

Taken by : JE/JL

DIADINO254HICHRC BA C0121079H11-04-93

VWe do solemnly declare and affirm, under the penalties of periury, that I/we are the

2311 Shaded Brook Drive

#195

Metalogitustic Commission Banics

111 West Chesapeake Avenue Towson, MD 2120 r

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

## PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:

Item No.: × /95

111 West Chesapeake Avenue

Zoning Administration and

Baltimore County Office Building

Development Management

Towson, MD 21204

Property Owner:

Towson, MD 21204

Arnold Jablon

Location:

Item No.:

Item No.:

Location:

Item No.:

Gentlemen:

Petitioner: Michael + Panche Poller modation: 2311 Shaded Park Dr. 21111

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael + Pamela Paller

ADDRESS: 25/1 Marie Brock Dr. 21117 Cames Mills Ma.

**Baltimore County Government** 

Department of Permits and Licenses

MEETING OF NOVEMBER 15, 1993

Catherine O. Deen & Holly Lee Deen

Property Owner: Charles Michael Thomas & Catherine A. Thomas

#2311 Shaded Brook Drive

**#401** Oak Forest Avenue

Property Owner: Carolyn H. Robinson & Timothy W. Robinson

#2212 Dalewood Road

Property Owner: George H. Woodward & Doris C. Woodward #19504 Resh Mill Road

\*199 (JCM/JRF)

Property Owner: Roger Wadkins and Beatrice K. Wadkins #1630 Cape May Road

#11823 Manor Road

**#9** Graveswood Road

Property Owner: Michael J. Biller & Pamela M. Biller

Property Owner: Edward C. Byrnes & Lisa S. Byrnes

#1710 Kurtz Avenue

190 (JRF)

193 (JCM)

\*194 (WCR)

\* 195 (JRF)

\* 196 (JJS)

Property Owner: Sylvester W. Applebaum and

\* 197 (JJS)

\*198 (RT)

NOVEMBER 18, 1993

Dorothy J. Applebaum

PHONE NUMBER: 3410 363 (6112

(Revised 04/09/93)

(410) 887-3610

**Baltimore County Government** Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson MD 2120)

(410) 887-3353

November 26, 1993

Mr. and Mrs. Michael J. Biller 2311 Shaded Brook Drive owings Mills, Maryland 21117

> PE: Case No. 94-191-A, Item No. 195 Petitioner: Michael J. Biller, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Biller:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in thehearing file. This petition was accepted for filing on November 4, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Office of Zoning Administration and Development Management

**Baltimore County Government** 

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

Michael J. Biller and Pamela M. Biller 2311 Shaded Brook Drive Owings Mill, Maryland 21117

CASE MRMBER: 94-191-A (Item 195) 2311 Shaded Brook Drive S/S Shaded Brook Drive, 450'+/- from c/l Hidden Trail Drive

3rd Election District - 4th Councilmenic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 21, 1993. The closing date (December 6, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public bearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.



O. James Lighthizer Secretary Hal Kassoff Administrator

11-12 93

Re: Baltimore County
Item No.: \*//75 (7/1)

Dear Ms. Minton:

Room 109

Ms. Charlotte Minton

Zoning Administration and

Development Management

111 W. Chesapeake Avenue Towson, Maryland 21204

County Office Building

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bolo Small DAVID M. FATISEY, MCIMO CHIEF. **Engineering Access Permits** 

1-800-/35-2258 Statewide Toli Free Mailing Address: P.O. Box 717 • Baitimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baitimore, Maryland 21202

My telephone number is \_\_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: November 15, 1995 Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 187, **195**, 196, 197, 198 and 199.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887 3486.

ZAC.187/PZONE/ZAC1



















